

PATENT  
PC11895A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Magee et al.

SERIAL NO.: 10/062,811

FILED: January 31, 2002

FOR: Nicotinamide Acids, Amides and  
Their Mimetics Active as Inhibitors  
of PDE4 Isozymes

Asst. Commissioner for Patents  
Washington, DC 20231

Sir:

: EXAMINER: Charanjit Aulakh

: ART UNIT: 1625

*I hereby certify that this correspondence  
is being deposited with the United States  
Postal Service as First Class Mail in an  
envelope addressed to: Assistant Commissioner  
for Patents, Washington, D.C. 20231 on*

*this 20<sup>th</sup> day of December 2002*

*By Charanjit Aulakh*

This paper is being filed in response to the Office Action mailed April 15, 2002 in the subject patent application which has been declared abandoned by the Examiner in a subsequent Office Action mailed November 14, 2002. The Examiner stated that the reason for the abandonment was Applicants failure to respond to said April 15, 2002 Office Action. Applicants submit that said abandonment was unintentional. Applicants have enclosed herewith a petition requesting that the Commissioner revive the subject application.

-Restriction Requirement-

The Examiner has required restriction of the instant application to one of eight Groups as set forth below.

- I. Claims 1 - 22, drawn to compounds of formula (1.0.0) where Y is C and both B<sup>1</sup> and B<sup>2</sup> are a saturated or unsaturated carbocyclic ring, pharmaceutical compositions containing these compounds and a method of using these compounds.
- II. Claims 1 - 22, drawn to compounds of formula (1.0.0) where Y is N and both B<sup>1</sup> and B<sup>2</sup> are a saturated or unsaturated carbocyclic ring, pharmaceutical compositions containing these compounds and a method of using these compounds.
- III. Claims 1 - 22, drawn to compounds of formula (1.0.0) where Y is C and both B<sup>1</sup> and B<sup>2</sup> are a saturated or unsaturated heterocyclic ring, pharmaceutical compositions containing these compounds and a method of using these compounds.
- IV. Claims 1 - 22, drawn to compounds of formula (1.0.0) where Y is N and both B<sup>1</sup> and B<sup>2</sup> are a saturated or unsaturated heterocyclic ring, pharmaceutical compositions containing these compounds and a method of using these compounds.
- V. Claims 1 - 22, drawn to compounds of formula (1.0.0) where Y is C, B<sup>1</sup> is a saturated or unsaturated carbocyclic ring and B<sup>2</sup> is a saturated or unsaturated

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heterocyclic ring, pharmaceutical compositions containing these compounds and a method of using these compounds.

VI. Claims 1 - 22, drawn to compounds of formula (1.0.0) where Y is N, B<sup>1</sup> is a saturated or unsaturated carbocyclic ring and B<sup>2</sup> is a saturated or unsaturated heterocyclic ring, pharmaceutical compositions containing these compounds and a method of using these compounds.

VII. Claims 1 - 22, drawn to compounds of formula (1.0.0) where Y is C, B<sup>1</sup> is a saturated or unsaturated heterocyclic ring and B<sup>2</sup> is a saturated or unsaturated carbocyclic ring, pharmaceutical compositions containing these compounds and a method of using these compounds.

VIII. Claims 1 - 22, drawn to compounds of formula (1.0.0) where Y is N, B<sup>1</sup> is a saturated or unsaturated heterocyclic ring and B<sup>2</sup> is a saturated or unsaturated carbocyclic ring, pharmaceutical compositions containing these compounds and a method of using these compounds.

Applicants hereby elect the invention of Group I, without traverse. Applicants note that the Examiner has not required the election of a species. To assist the Examiner with the examination, Applicants nonetheless elect the compound of Example 1d, which is within the scope of the elected Group. Further, Applicants intend to limit the method of treatment claims to methods of treating respiratory diseases and conditions. Applicants will amend the application to conform it to the elections made herein in response to an Office Action when such is received.

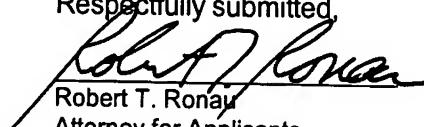
-Conclusion-

Applicants, having responded to all points and concerns raised by the Examiner, believe this application to be in condition for allowance. An early and favorable action is respectfully requested.

Dated: December 20, 2002

Pfizer Inc.  
Patent Department  
Eastern Point Road  
Groton, CT 06340  
(860) 441-5910

Respectfully submitted,

  
Robert T. Ronau  
Attorney for Applicants  
Reg. No. 36,257